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68TH CONGRESS }  
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SENATE

{ REPORT  
No. 890

## DIVISION OF THE LANDS AND FUNDS OF THE OSAGE INDIANS IN OKLAHOMA

JANUARY 15 (calendar day, JANUARY 17), 1925.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted  
the following

### REPORT

[To accompany H. R. 5726]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5726, which is identical with S. 2933) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" having considered the same, report favorably on H. R. 5726 with the recommendation that the bill do pass with the following amendments:

Page 1, line 7, after the word "heir," insert the words "or devisee."

Page 2, line 15, after the word "age," insert the words "and above 18 years of age."

Page 2, line 16, after the word "minors", place a comma and insert the words "and out of the income of minors under 18 years of age \$500 quarterly."

On page 2, in line 25, and page 3, in line 1, strike out the words "not exceeding \$500 a quarter."

Page 3, line 7, after the word "shall" place a comma and insert the words "in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income."

Page 3, line 8, after the word "Agency," insert the words:

*Provided*, That if an adult member not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency.

Page 3, line 9, after the word "invest," strike out all down to and including the word "supervision," in line 19, and insert in lieu thereof the following:

the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment.

Page 3, line 25, after the word "application," insert the words "or approval."

Page 4, line 3, after the word "blood," insert the following:

All moneys now in the possession or control of legal guardians heretofore paid to them through mistake of law and which should have been reserved by the Secretary of the Interior under the act of Congress of March 3, 1921, relating to the Osage Tribe of Indians, shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased or investments made by such guardians out of said moneys paid to them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. Such purchases and investments made by legal guardians are hereby declared to be legal when approved by the Secretary of the Interior. The expenditure of any part of such funds so paid which have been made by such guardians in accordance with the laws of Oklahoma are hereby declared to be legal when approved by the Secretary of the Interior. Moneys used in investments and expenditures by legal guardians which are not approved by the Secretary of the Interior shall be accounted for by such legal guardians to him under such rules and regulations as he may prescribe. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness lawfully incurred by guardians may be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior, when approved by him.

Page 4, line 3, after the word "funds," insert the words "other than as above mentioned."

Page 4, line 22, after the word "Indians," insert the words "inherited by or bequeathed to them."

Page 5, line 1, after the word "heirs," insert the words "or devisees."

Page 5, line 3, after the word "him," insert the words:

The Secretary of the Interior shall pay to administrators and executors of estates of deceased Osage Indians a sufficient amount of money out of said estates to pay all lawful indebtedness and costs and expenses of administration, when approved by him, and out of the shares belonging to heirs or devisees he shall pay the costs and expenses of such heirs or devisees, including attorneys' fees when approved by him, in the determination of heirs or contest of wills.

Page 5, line 14, after the word "Interior," insert the words "The homestead selection of a member of the Osage Tribe shall be non-taxable so long as the title remains in the original allottee."

Page 5, line 25, after the word "granted," insert the words:

*Provided*, That all just indebtedness of such member existing at the time his certificate of competency is revoked shall be paid by the Secretary of the Interior, or his authorized representative, out of the income of such member in addition to the quarterly income hereinbefore provided for. *And provided*

further, That such revocation or cancellation of any certificate of competency shall not affect the legality of any transactions theretofore made by reason of the issuance of any certificate of competency.

Page 6, lines 1 and 2, strike out the words "who causes or procures" and insert in lieu thereof the words "convicted of causing or procuring."

Page 6, line 9, after the word "the" and before the word "funds," insert the words "payment of."

Page 6, after section 6, add two new sections to be numbered sections 7 and 8, as follows:

SEC. 7. Hereafter none but heirs of Indian blood of those who are of one-half or more Indian blood of the Osage Tribe of Indians shall inherit or acquire any right, title, or interest by inheritance in or to any restricted lands, moneys, or mineral interests of the Osage Tribe or of any enrolled member thereof: *Provided*, That if there be no heirs as above provided or descendants of such persons to take by inheritance, such lands, moneys, or mineral interests, the said property shall revert to the Osage Tribe of Indians.

SEC. 8. Any member of the Osage Tribe of any degree of Indian blood, to whom has been granted a certificate of competency, and for whom, either for his person or his estate has heretofore been appointed a guardian by the proper court and who is still under such guardianship, and any such member who is hereafter placed under guardianship either for his person or for his estate by the proper court, shall be deemed incompetent, and his certificate of competency shall be revoked by the Secretary of the Interior, and thereafter he shall be subject to the same rules and regulations of the Secretary of the Interior and his property subject to the control and regulations of the Secretary of the Interior to the same extent as if a certificate of competency had never been granted: *Provided*, That out of the income of such member, in addition to the quarterly payment herein provided for, he shall pay all just indebtedness of such member existing at the time his certificate of competency is revoked.

This bill (which, as aforesaid, is identical with S. 2933), with certain amendments suggested by the Osage Tribal Council in a resolution adopted by them on the 8th day of January, 1925, has the approval of the Secretary of the Interior, as evidenced in a letter from him under date of January 14, 1925, which letter and resolution read as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 14, 1925.

HON. J. W. HARRELD,  
*Chairman Committee on Indian Affairs,  
United States Senate.*

MY DEAR SENATOR HARRELD: I have your letter of January 10, inclosing a copy of Senate bill 2933. Favorable report was made on this bill under date of April 4, 1924. There is inclosed a copy of resolution by the tribal council, offering suggested changes; also a copy of the bill incorporating such changes as are covered by the resolutions. The Indians desire to be consulted in all matters relating to their income and investments, and this is provided for by the proposed amendment.

There is no objection to the bill with the proposed amendments if your committee desires to adopt them.

Very truly yours,

HUBERT WORK.

#### RESOLUTION

Be it resolved by the Osage Tribal Council in session assembled this 8th day of January, 1925, that the council recommend to the Senate of the United States the following amendments to Senate bill 2933:

1. Page 1, line 7, after the word "heir," insert the words "or devisee."
2. Page 2, line 16, after the word "age," insert the words "and above 18 years of age."

3. Page 2, line 17, after the word "minors," insert the words "and out of the income of minors under 18 years of age \$500 quarterly."

4. Page 3, line 1, after the word "investments," strike out the words "not exceeding \$500 per quarter."

5. Page 3, line 7, after the word "shall" insert the words "in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income."

6. Page 3, line 8, after the word "agency," insert the words:

"*Provided*: That if any adult member of the tribe not having a certificate of competency so requests, he shall be paid his entire income accumulating in the future from the sources above specified without supervision, unless the Commissioner of Indian Affairs shall after due notice and hearing find that such adult member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts herein-before provided to be paid to adult members not having certificates of competency."

7. Strike out all on page 3, line 9, after the word "invest" down to and including the word "supervision," on page 3, line 20, and in lieu thereof insert the words:

"the remainder after paying the taxes of such member in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investments for an adult member without first securing the approval of such member of such investments."

8. Page 4, line 1, strike out the word "application" and in lieu thereof insert the word "approval."

9. Page 4, line 4, after the word "blood" insert the following words:

"all moneys now in the possession or control of legal guardians heretofore paid to them through mistake of law and which should have been reserved by the Secretary of the Interior under the act of Congress of March 3, 1921, relating to the Osage Tribe of Indians, shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased or investments made by such guardians out of said moneys paid to them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. Such purchases and investments made by legal guardians are hereby declared to be legal when approved by the Secretary of the Interior. The expenditure of any part of such funds so paid which have been made by such guardians in accordance with the laws of Oklahoma are hereby declared to be legal when approved by the Secretary of the Interior. Moneys used in investments and expenditures by legal guardians, which are not approved by the Secretary of the Interior shall be accounted for by such legal guardians to him under such rules and regulations as he may prescribe. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness lawfully incurred by guardians may be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior."

10. Page 4, line 4, after the word "funds" insert the words "other than as above mentioned."

11. Page 4, line 22, after the word "Indians" insert the words "inherited by or bequeathed to them."

12. Page 5, line 3, after the word "him" insert the words:

"the Secretary of the Interior shall pay to administrators and executors of estates of deceased Osage Indians a sufficient amount of money out of said estates to pay all lawful indebtedness and costs and expenses of administration, and out of the shares belonging to heirs or devisees he shall pay the costs and expenses of such devisees, including attorneys fees when approved by him, in the determination of heirs or contest of wills."

13. Page 5, line 24, after the word "granted" insert:

*Provided*, That all just indebtedness of such member existing at the time his certificate of competency is revoked shall be paid by the Secretary of the Interior,



or his authorized representative, out of the income of such member in addition to the quarterly income hereinbefore provided for."

14. Page 6, line 9, after the word "the" insert the words "payment of."

15. Insert a new section to be known as section 7, as follows:

"SEC. 7. Hereafter none but heirs of Indian blood of those who are of one-half or more Indian blood of the Osage Tribe of Indians shall inherit or acquire any right, title, or interest by inheritance in or to any restricted lands, moneys, or mineral interests of the Osage Tribe or of any enrolled member thereof: *Provided*, That if there be no heirs as above provided of the Osage Tribe, or descendants of such persons to take by inheritance, such lands, moneys, or mineral interests, the said property shall divert to the Osage Tribe of Indians."

16. Add section 8, as follows:

"SEC. 8. Any member of the Osage Tribe of any degree of Indian blood, to whom has been granted a certificate of competency, and for whom, either for his person or his estate has heretofore been appointed a guardian by the proper court and who is still under such guardianship, and any member who is hereafter placed under guardianship, either for his person or for his estate, by the proper court, shall be deemed incompetent, and his certificate of competency shall be revoked by the Secretary of the Interior, and thereafter he shall be subject to the same rules and regulations of the Secretary of the Interior and his property subject to the control and regulations of the Secretary of the Interior to the same extent as if a certificate of competency had never been granted: *Provided*, That out of the income of such member, in addition to the quarterly payment herein provided for, he shall pay all just indebtedness of such member existing at the time his certificate of competency is revoked."

It is moved by George Alberty and seconded by Anthony Carlton that the above resolution be adopted. Motion unanimously carried.

FRED LOOKOUT,  
*Principal Chief.*

Attest:

THOS. B. LEAHY, *Secretary.*

The amendments suggested in the above resolutions of the Osage Council have been incorporated into the amendments herein proposed with one or two minor changes.

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